



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

DEAN ALTON HOLCOMB,  
Petitioner,

vs.

TERRIE WALLACE,  
Respondent.

§  
§  
§  
§  
§  
§  
§

Civil Action No. 1:21-00359-MGL

---

**ORDER ADOPTING THE REPORT AND RECOMMENDATION AND GRANTING  
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT AND DENYING  
PETITIONER'S MOTION FOR INJUNCTIVE RELIEF**

---

Petitioner Dean Alton Holcomb (Holcomb), proceeding pro se, filed this amended habeas corpus petition pursuant to 28 U.S.C. § 2254 against Terrie Wallace (Wallace), the Warden of Kirkland Correctional Institution (Kirkland). Kirkland is part of the South Carolina Department of Corrections. Holcomb also filed a motion for a preliminary injunction and temporary restraining order.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Wallace's motion for summary judgment be granted and, Ground One, the only remaining claim in this amended petition, be dismissed without prejudice. The Magistrate Judge also recommended Holcomb's motion for injunctive relief be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which a specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de novo review, however, “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on May 21, 2021. To date, Holcomb has failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

But, the Clerk of Court, on May 28, 2021, docketed a supplemental response in opposition to Wallace’s motion for summary judgment. This document is primarily a cut and paste of Holcomb’s previously filed response in opposition to Wallace’s motion for summary judgment that the Magistrate Judge reviewed. To the extent there are arguments in this supplement not covered in the Report, however, they are so lacking in merit as not to require any discussion.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the

judgment of the Court Respondent's motion for summary judgment is **GRANTED** and, Ground One, the only remaining claim in this amended petition, is **DISMISSED WITHOUT PREJUDICE**. Furthermore, Holcomb's motion for injunctive relief is **DENIED**.

**IT IS SO ORDERED.**

Signed this 22nd day of July 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

\*\*\*\*\*

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.